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7 Attorneys for Defendant
WHITEHAWK VENTURES, INC.
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

FAB.COM, INC.) Case No.: 3:12-cv-04191-EMC
Plaintiff,)
v.) **STIPULATION AND [PROPOSED]**
WHITEHAWK VENTURES, INC.,) **ORDER CONTINUING THE**
Defendant.) **HEARING DATE ON**
) **DEFENDANT'S MOTION TO**
) **DISMISS AND RESETTING FURTHER**
) **CMC TO 4/18/13 AT 1:30 P.**
) **M.**
-----)

1 WHEREAS, on November 5, 2012, Plaintiff filed a First Amended Complaint against
2 Defendant Whitehawk Ventures, Inc., purporting to allege claims for copyright infringement,
3 trademark and trade dress infringement, unfair competition, breach of contract, unjust
4 enrichment, breach of the implied covenant of good faith and fair dealing, an accounting and
5 constructive trust and injunction;

6 WHEREAS, on November 19, 2012, Defendant filed a Motion to Dismiss the First
7 Amended Complaint;

8 WHEREAS, a hearing on Defendant's Motion to Dismiss is currently scheduled for
9 February 28, 2013, at 1:30 p.m.;

10 WHEREAS, the parties are in the process of concluding the litigation through a
11 negotiated settlement, which may moot the need for resolution of Defendant's Motion to
12 Dismiss;

13 WHEREAS, the parties have agreed to request a continuation of the hearing until April
14 11, 2013;

15 NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED that:

16 1. The hearing on Defendant's Motion to Dismiss currently set for February 28,
17 2013 shall be continued until April 11, 2013, or as soon thereafter as the matter may be heard.

18 2. This stipulation is without prejudice to the rights, claims, or defenses of any party.
19 3. This is the third modification in the case, after an extension by stipulation for
20 Defendant's time to answer Plaintiff's original complaint and a continuation by stipulation of the
21 hearing date on Defendant's Motion to Dismiss. This change will not alter the date of any event
22 or any deadline already affixed by Court order.

23 | Dated: February 25, 2013

/s/ Colleen Bal
Colleen Bal
WILSON SONSINI GOODRICH & ROSATI

Attorneys for Defendant
Whitehawk Ventures, Inc.

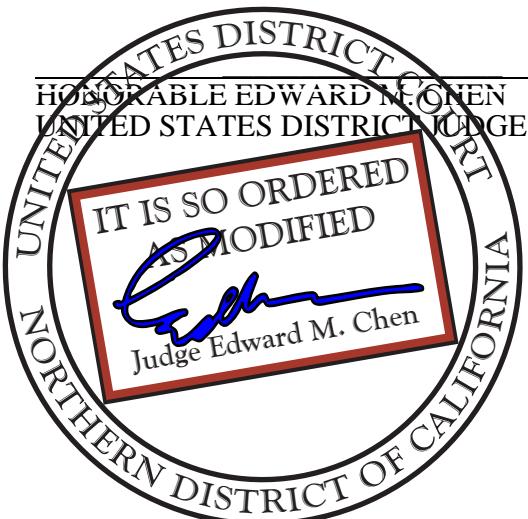
/s/ Holly Pranger
Holly Pranger
PRANGER LAW GROUP

1 Attorneys for Plaintiff
2 Fab.com, Inc.
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1
2 [PROPOSED] ORDER
3

4 PURSUANT TO STIPULATION, IT IS HEREBY ORDERED that Defendant
5 Whitehawk Ventures, Inc.'s Motion to Dismiss is hereby postponed to April 11, 2013 at 1:30pm.
6 The further CMC is reset from 4/18/13 to 4/11/13 at 1:30 p.m. An updated joint CMC
7 statement shall be filed by 4/4/13.

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11 DATED _____
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1 ATTESTATION PURSUANT TO L.R. 5-1(i)(3)

2 I, Colleen Bal, hereby attest that concurrences in the filing of this document have
3 been obtained from each of the signatories.

4 /s/ Colleen Bal
5 Colleen Bal

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